



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application**COPY**

As a named inventor, I hereby declare that:

~~MY~~ residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

SYSTEM RESOURCE AVAILABILITY MANAGER

the specification of which (check one)

[ ] is attached hereto.

[X] was filed on 18 September 2001 as United States ApplicationNumber or PCT International Application No. 09/954,711

and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

| <u>Prior Foreign Application(s)</u> | Priority<br>Not<br>Claimed | Certified<br>Copy Filed? |     |     |     |
|-------------------------------------|----------------------------|--------------------------|-----|-----|-----|
| (Number)                            | (Country)                  | (Day/Month/Year filed)   | [ ] | [ ] | [ ] |
| (Number)                            | (Country)                  | (Day/Month/Year filed)   | [ ] | [ ] | [ ] |
| (Number)                            | (Country)                  | (Day/Month/Year filed)   | [ ] | [ ] | [ ] |

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

|   |   |
|---|---|
| <u>60/233,395</u><br>(Application Number) | <u>18 September 2000</u><br>(Filing Date) |
| (Application Number)                      | (Filing Date)                             |

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

|  |                                    |   |
|--|------------------------------------|---|
| 09/954,471<br>(Application Serial No.) | 17 September 2001<br>(Filing date) | Pending<br>(Status: patented, pending, abandoned) |
| (Application Serial No.)               | (Filing date)                      | (Status: patented, pending, abandoned)            |
| (Application Serial No.)               | (Filing date)                      | (Status: patented, pending, abandoned)            |
| (Application Serial No.)               | (Filing date)                      | (Status: patented, pending, abandoned)            |

As a named inventor, I hereby appoint the attorneys and/or agents associated with **Hamilton, Brook, Smith & Reynolds, P.C., 530 Virginia Road, P.O. Box 9133, Concord, Massachusetts 01742-9133, Customer No. 21005**,

and \_\_\_\_\_,

to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please send correspondence to:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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